

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

CONTEMPT PETITION NO.28 OF 2004

IN

WRIT PETITION NO. 3509 OF 2003

Nasik Workers Union

...Petitioner

Vs.

Indian Steel and Allied
Industries & Ors.

... Respondents

Mr.Bhavesh Parmar with Smt.Vijaya Jagtap
for Petitioner
Ms.Preetam P.Tendulkar for M.S.Karnik
for respondents

■ ■ ■ ■

CORAM : B.H.MARLAPALLE, J.

DATE : JANUARY 27, 2005

P.C.:

1. Writ Petition No. 3509 of 2003 came to be admitted by the Division Bench of this Court and prayer for interim relief i.e. stay to the Reference passed by the Labour Commissioner on 12th May, 2003 was declined. By the reference order, the lock out was prohibited.

2. Subsequently, the employer issued a notice of closure on 23.10.2003. The learned counsel for the petitioner contends that by not lifting the lock-out, the employer has committed contempt of this Court's order dated 2.9.2003.

3. There is no case made out for initiating contempt proceedings against the respondent-employer on the alleged grounds. If the lock out was banned by the order passed by the Labour Commissioner, the employees concerned would be in effect, treated to be on duty and therefore, the union is entitled to approach the Labour Court by filing an application under Section 33(C)(2) of the Industrial Disputes Act, 1947 and pray for recovery of wages as if on duty.

4. Under the circumstances, this contempt petition is misconceived and the same is hereby rejected.

[B.H.MARLAPALLE, J.]